

REMARKSRejection of the Claims under 35 USC §102

Claims 1-5, 7-13, 15, and 17 have been rejected under 35 USC 102(b) as being anticipated by US 5,328,470 and US 5,698,531 (Nabel et al. A and B). Applicants have amended claims 1 and 8 to obviate the rejection.

It is clear that Nabel et al. did not teach delivery of a polynucleotide to a nonvascular cell in a mammalian limb by injecting the polynucleotide into a vessel and applying pressure to the limb epidermis to impede fluid flow in the vessel. Therefore, Applicants believe that the amended claims obviate the rejection.


Support for the delivery of polynucleotides to cells in a mammalian limb can be found in the specification on page 2 lines 41-43, page 5 lines 8-11 and page 9 line 19-28 and 39-45. Support for occluding fluid flow through vessels can be found on page 8 lines 30-38 and on page 14 lines 2-7 and 26-27. Support for "applying pressure to the limb epidermis to impede fluid flow in the vessel" can be found in US Patent Application Serial No. 09/707,000 and U.S. Patent Application Serial No. 09/707,117. The amendment to the specification makes the instant application a continuation-in-part of both 09/707,000 and 09/707,117. Applying pressure to the limb epidermis to impede fluid flow in the vessel is described in 09/707,000 on page 3 lines 1-11 and 21-24, page 5 lines 5-24, page 22 lines 11-30 and page 32 line 9 through page 33 line 5. Support for administration of immunosuppressive treatment to the mammal (amended claim 17) can be found in 09/707,117 on page 3 line 26 to page 4 line 2, in example 5 starting on page 28, in example 8 on page 31, and in example 9 starting on page 31.

Rejection of the Claims under 35 USC §103

Claims 1-18 have been rejected under 35 USC 103(b) as being unpatentable over US 5,328,470 and US 5,698,531 (Nabel et al. A and B). Applicants have amended claims 1 and 8 to obviate the rejection. Applicants believe the amended claims are free of the prior art for the reasons stated above in response to the 102 rejections.

The Examiner's rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1-18 should be allowable.

Respectfully submitted,


Mark K. Johnson Reg. No. 35,909
Mirus
505 South Rosa Road
Madison, WI 53719
608-238-4400

I hereby certify that this correspondence is being sent
by facsimile transmission to: Commissioner for
Patents, PO Box 1460, Alexandria, VA 22313-1460
on this date: November 17, 2003.


Kirk Ekert